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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION**

IN RE: **Francis P. O'Brien**
xxx-xx-6393
Theresa L. O'Brien
xxx-xx-7544
Debtor(s)

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CASE NO **16-16972 mdc**
CHAPTER **13**

AMENDED 6/12/2017
CHAPTER 13 PLAN

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE OF SAID COURT:

COME NOW, Francis P. O'Brien and Theresa L. O'Brien, Debtors herein, and propose the following plan under Chapter 13 of the Bankruptcy Code:

1. The debts of DEBTOR(S) duly proved and allowed shall be paid to the holder thereof in accordance with the provisions of Chapter 13 of the Bankruptcy Code and this Plan.
2. The future earnings of DEBTOR(S) are submitted to the supervision and control of this Court, and DEBTOR(S) shall pay to the TRUSTEE a VARIABLE amount each month. Please refer to EXHIBIT "B" for a VARIABLE payment schedule. Payments shall commence on November 1, 2016 and shall continue at the intervals and in the amounts indicated on EXHIBIT "B".
3. From the payments received, the TRUSTEE will make disbursements in the following order:
 - (a). **Administrative Expenses:** The TRUSTEE shall FIRST pay the expenses as prescribed by the Court, for administration of this plan.

Name of Creditor	Type	Amount	Interest Rate	Monthly Payment	Term	Total Paid
John L. McClain and Associates	Attorney Fees	\$11,000.00	0%	First Funds		\$11,000.00

- (b). **Priority Claims:** All Claims entitled to priority under Section 507 of the Bankruptcy Code will be paid as follows:

Name of Creditor	Claim Amount	Amount Entitled To Priority	Interest Rate	Monthly Payment	Term	Total Paid
City of Philadelphia	\$6,547.49	\$6,547.49	0%	Pro-Rata	1-60	\$6,547.49
Department of Revenue	\$342.78	\$342.78	0%	Pro-Rata	1-60	\$342.78

- (c). **Secured Claims:** Secured creditors, whose claims are duly and timely filed, approved and allowed will be treated as follows:

- (1). **Valuation of Collateral:** The Creditors listed below have a claim secured by a lien on the collateral shown and the claim of each creditor is secured to the extent of the fair market value of such property. The value of such creditor's interest in such collateral is as set forth hereinbelow and such fair market value set hereinbelow is binding as to each such creditor. Pursuant to the Bankruptcy Code, the Debtor(s) ask the Court to value the collateral shown as indicated below and to determine what portion, if any, of the following claim or claims are secured and what portions are unsecured. The purpose of this plan provision and valuation is to clearly provide that once Debtor(s) have paid such fair market value through the TRUSTEE, the lien of each such secured creditor shall be deemed invalid and, at such time, each creditor shall immediately execute and deliver any and all necessary documents to effectuate release of such lien and delivery of an unencumbered title to the Debtor(s).

Name of Creditor	Collateral Description	Fair Market Value
City of Philadelphia	residence	\$174,447.00
Water Revenue Bureau	4450 Garden St & 4700 Richmond St.	\$0.00
Water Revenue Bureau	4700 Richmond Street	\$465.00

* Variable payments are scheduled, please see Pro Forma, if attached.

(H) Francis P. O'Brien
 (W) Theresa L. O'Brien
 (C#) 16-16972 mdc

Each secured creditor described herein shall retain the lien existing prior to the commencement of the case only to the extent of the value of the collateral and to secure payment of the allowed amount of its claim. In the case of each secured creditor listed in this section, the allowed amount is the fair market value set forth herein. Once the allowed secured amount has been satisfied through the Plan, the creditor's lien will have been satisfied in full and the lien will no longer exist. Upon payment of the secured portion of a creditor's claim, the creditor shall immediately release its lien and deliver clear title to the Debtor(s).

(2). **Payment of Secured Claims:** Secured creditors, whose claims are duly and timely filed, approved and allowed, will be paid as follows:

Name of Creditor	Amount Claimed	Principal Amt to Be Paid	Interest Rate	Monthly Payment	Term	Total Paid
Collateral	Value of Collat.					
Central Penn Capital Management 4450 Garden St	\$85,175.10 \$85,175.10	\$85,175.10	0%	Pro-Rata	1-60	\$85,175.10
City of Philadelphia residence	\$18,137.74 \$174,447.00	\$18,137.74	9%	Pro-Rata	1-60	\$27,476.32
Ditech 4450 Garden St	\$72,027.50 \$72,027.50	\$72,027.50	0%	Pro-Rata	1-60	\$72,027.50
PGW 4450 Garden St	\$249.78 \$0.00	\$249.78	0%	Pro-Rata	1-60	\$249.78
Water Revenue Bureau 4450 Garden St & 4700 Richmond St.	\$4,047.18 \$0.00	\$0.00	0%	Pro-Rata	None	\$0.00
Water Revenue Bureau 4700 Richmond Street	\$465.00 \$465.00	\$465.00	0%	Pro-Rata	1-60	\$465.00

(3). **Void Lien:** The secured creditors listed below hold a non-purchase money, non-possessory security interest on Debtor(s) exempt property. Their lien will be voided pursuant to 11 U.S.C. § 522(f) and their claim treated as unsecured and paid pursuant to paragraph (e) below:

Name of Creditor	Collateral Description	Amount of Claim
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(d). **Special Class:** The following specially classified claims shall be paid as follows:

Name of Creditor	Claim Amount	Principal Amt. To Be Paid	Interest Rate	Monthly Payment	Term	Total Paid
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(e). **Unsecured Claims:** Unsecured claims will be paid pro rata by the TRUSTEE after payment of the aforementioned categories, to creditors who have duly and timely filed and proved their claim, with the same having been allowed by the Court, with such payments or dividends to be paid in lieu of the debt and in satisfaction of the debts of such creditors.

(f). No interest, penalty or additional charge shall be allowed on any account subsequent to the filing of the petition herein, except that interest shall be allowed on claims to fully secured creditors in accordance with 11 U.S.C. § 506(b).

4. DEBTOR(S) shall pay direct the following debts outside the Plan:

Name of Creditor	Collateral Description	Monthly Amount	Balance
Central Penn Capital Management LLC	4450 Garden St	\$1,317.74	\$218,933.28
Ditech	4450 Garden St	\$1,415.06	\$244,495.61

5. The following secured claims are not dealt with in the DEBTOR(S)' plan, therefore, upon confirmation of the DEBTOR(S)' Chapter 13 Plan, the automatic stay provisions of 11 U.S.C. § 362 will be terminated and annulled with respect to each of the following claims:

Name of Creditor	Collateral Description	Claim	Value	Deficiency
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The automatic stay provisions of 11 U.S.C. Sec. 362 remain in effect as to DEBTOR(S).

The remaining portion of the debt (deficiency), if any, shall be treated as any other general unsecured claim under this plan.

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CHAPTER 13 PLAN

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6. All executory contracts of the DEBTOR(S) will be assumed unless specifically rejected herein. The following executory contracts and/or leases are ASSUMED or REJECTED as indicated below:

Name of Creditor	Contract is Assumed/Rejected
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7. Upon confirmation of this plan, title of the property of the estate shall vest in DEBTOR(S).
8. The Court may, from time to time, during the period of the plan, extend, increase or reduce the amount of any of the installments provided for by the plan, or extend or shorten the time for any such payments where it shall be made to appear, after such hearing, upon such notice as the Court may designate, that the circumstances of DEBTOR(S) so warrant or so require; provided, however, that nothing in this plan shall be construed to prevent the granting of a discharge of DEBTOR(S) as provided in 11 U.S.C. § 1328.
9. **Post-Confirmation Cure or Waiver of Default:**
Any default of the DEBTOR'S post-confirmation plan payments may only be WAIVED by compliance with the provisions of 11 U.S.C. § 1329. Any default of post-confirmation plan payments may only be CURED by permission of the Standing Chapter 13 Trustee and compliance with such conditions as the TRUSTEE may impose.
10. **Post-Petition Claims:**
The DEBTOR(S) will not incur any post-petition consumer debt except after notice to creditors and approval by the Court or the Standing Chapter 13 Trustee. Post-petition claims will be allowed only as specified in 11 U.S.C. § 1305.

Additional Provisions of the Plan

100% Plan

Unsecured to be paid 100% per allowed proof of claim filed. Total Plan Funding is \$233,480.00.

Funding of 100% Plan

Any deficiencies in the plan funding will be paid by Debtor in two lump sums once received from both his pending Personal Injury law suit and his worker's compensation settlement.

Claims/Litigation By Debtors Against Third Parties

Any recovery by Debtor in his claim/litigation, pending in the Philadelphia Court of Common Pleas captioned O'Brien vs. Hayden Real Estate Investments, LLC et al., Case No. 151100686, in excess of applicable exemptions, shall be paid to the chapter 13 trustee in addition to debtor's plan payments, for the benefit of the unsecured creditors.

DATED on this the 12th day of June, 2017.

/s/ Francis P. O'Brien

Debtor: Francis P. O'Brien

John L. McClain and Associates

/s/ Theresa L. O'Brien

Debtor: Theresa L. O'Brien

/s/ John L. McClain

John L. McClain
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EXHIBIT "B" - VARIABLE PLAN PAYMENTS

PROPOSED PLAN OF REPAYMENT (VARIABLE PAYMENTS INTO THE PLAN)

<u>Month / Due Date</u>	<u>Payment</u>	<u>Month / Due Date</u>	<u>Payment</u>	<u>Month / Due Date</u>	<u>Payment</u>
1 11/01/2016	\$620.00	21 07/01/2018	\$620.00	41 03/01/2020	\$620.00
2 12/01/2016	\$620.00	22 08/01/2018	\$620.00	42 04/01/2020	\$620.00
3 01/01/2017	\$620.00	23 09/01/2018	\$620.00	43 05/01/2020	\$620.00
4 02/01/2017	\$620.00	24 10/01/2018	\$620.00	44 06/01/2020	\$620.00
5 03/01/2017	\$620.00	25 11/01/2018	\$620.00	45 07/01/2020	\$620.00
6 04/01/2017	\$620.00	26 12/01/2018	\$620.00	46 08/01/2020	\$620.00
7 05/01/2017	\$620.00	27 01/01/2019	\$620.00	47 09/01/2020	\$620.00
8 06/01/2017	\$620.00	28 02/01/2019	\$620.00	48 10/01/2020	\$620.00
9 07/01/2017	\$620.00	29 03/01/2019	\$620.00	49 11/01/2020	\$620.00
10 08/01/2017	\$620.00	30 04/01/2019	\$620.00	50 12/01/2020	\$620.00
11 09/01/2017	\$620.00	31 05/01/2019	\$620.00	51 01/01/2021	\$620.00
12 10/01/2017	\$620.00	32 06/01/2019	\$620.00	52 02/01/2021	\$620.00
13 11/01/2017	\$620.00	33 07/01/2019	\$620.00	53 03/01/2021	\$620.00
14 12/01/2017	\$620.00	34 08/01/2019	\$620.00	54 04/01/2021	\$620.00
15 01/01/2018	\$620.00	35 09/01/2019	\$620.00	55 05/01/2021	\$620.00
16 02/01/2018	\$620.00	36 10/01/2019	\$620.00	56 06/01/2021	\$620.00
17 03/01/2018	\$620.00	37 11/01/2019	\$620.00	57 07/01/2021	\$620.00
18 04/01/2018	\$620.00	38 12/01/2019	\$620.00	58 08/01/2021	\$620.00
19 05/01/2018	\$620.00	39 01/01/2020	\$620.00	59 09/01/2021	\$620.00
20 06/01/2018	\$620.00	40 02/01/2020	\$620.00	60 10/01/2021	\$196,900.00